



229550

PHYSICAL DOCUMENT

LPS-n229550-v1

RE: COPY OF COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND CIVIL
PENALTIES

Author: Woolner, Rhodora

Document Type: PLEADING

LSA(s):

Co-Counsel:

Counsel LSA(s):

Distribution List: Woolner, Rhodora (ENRD); Lattin, Sue (ENRD); Rose, Robert (ENRD);
Lu, Sarah (ENRD); Berman, Lisa (ENRD)

Fileroom: LPS - Main Justice

DJ#:

Case Name:

Court:

Notes: Scanned/Unassigned

Double-Sided: Y

Received Date: 7/30/2013

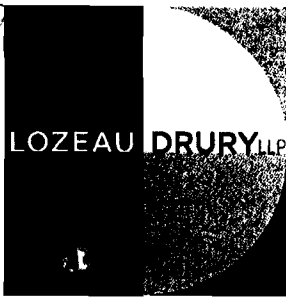
Urgent:

Oversize:

Bound Document:

2693365

LPS



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
doug@lozeaudrury.com

INDEX

BY U.S. CERTIFIED MAIL

July 23, 2013

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, D.C. 20460

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Jared Blumenfeld, Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Bruce H. Wolfe, Executive Officer II
San Francisco Bay Regional Water Quality
Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

DEPT. OF JUSTICE
ENVIRONMENTAL DIVISION
13 JUL 30 P3:37

Re: California Communities Against Toxics v. USA Waste of California, Inc.
Case No. CV13-05287-GW – Copy of Complaint for Declaratory and Injunctive Relief and Civil Penalties

Dear Sirs and Madam,

Pursuant to 40 C.F.R. § 135.4, please find enclosed a copy of the Complaint for Declaratory and Injunctive Relief and Civil Penalties filed in the above referenced case on July 23, 2013.

Sincerely,

A handwritten signature in dark ink, appearing to read "Doug Chermak", is written over the typed name.

Douglas Chermak
Attorney for Plaintiff California Communities Against Toxics

Encl.

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

CALIFORNIA COMMUNITIES AGAINST TOXICS, an unincorporated non-profit association

DEFENDANTS (Check box if you are representing yourself ☐)

USA WASTE OF CALIFORNIA, INC., a corporation

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)Michael R. Lozeau / Douglas J. Chermak
Lozeau Drury, LLP
410 12th Street, Ste. 250, Oakland, CA 94607
510-836-4200 / 510-836-4205 fax**(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)**John Lynn Smith
ReedSmith
101 Second St., Ste. 1800, San Francisco, CA 94105
415-659-4863 / 415-391-8269 fax**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
- ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant
- ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding
- ☐ 2. Removed from State Court
- ☐ 3. Remanded from Appellate Court
- ☐ 4. Reinstated or Reopened
- ☐ 5. Transferred from Another District (Specify)
- ☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No**MONEY DEMANDED IN COMPLAINT: \$** _____**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Federal Water Pollution Control Act, 33 U.S.C. Sec. 1251, et seq. / Action seeks to enforce requirements of a Federal permit issued under the Clean Water Act.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> Habeas Corpus	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	TORTS	TORTS	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input checked="" type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY: Case Number: **CV 13-05287**

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Kern County

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
NOTE: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

***Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties**

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT): [Signature] DATE: 7/22/13

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

UNITED STATES DISTRICT COURT

for the
Central District of California

California Communities Against Toxics, an
unincorporated non-profit association

Plaintiff(s)

v.

USA Waste Of California, Inc., a corporation

Defendant(s)

Civil Action No.

CV 13-05287 -GW
(ADW)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* USA Waste Of California, Inc.
321 W. Francisco Street
Carson, CA 90745

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Michael R. Lozeau / Douglas J. Chermak
Lozeau Drury, LLP
410 12th Street, Ste. 250
Oakland, CA 94607

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: JUL 23 2013

Maunty Dur
Signature of Clerk or Deputy Clerk

FILED

2013 JUL 23 AM 11:03

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**CALIFORNIA COMMUNITIES AGAINST
TOXICS**

PLAINTIFF(S)

V.

USA WASTE OF CALIFORNIA, INC.

DEFENDANT(S)

CASE NUMBER

CV13- 5287 GW (AJWx)

**NOTICE TO PARTIES OF
COURT-DIRECTED ADR PROGRAM**

NOTICE TO PARTIES:

It is the policy of this Court to encourage settlement of civil litigation when such is in the best interest of the parties. The Court favors any reasonable means, including alternative dispute resolution (ADR), to accomplish this goal. See Civil L.R. 16-15. Unless exempted by the trial judge, parties in all civil cases must participate in an ADR process before trial. See Civil L.R. 16-15.1.

The district judge to whom the above-referenced case has been assigned is participating in an ADR Program that presumptively directs this case to either the Court Mediation Panel or to private mediation. See General Order No. 11-10, §5. For more information about the Mediation Panel, visit the Court website, www.cacd.uscourts.gov, under "ADR."

Pursuant to Civil L.R. 26-1(c), counsel are directed to furnish and discuss with their clients the attached ADR Notice To Parties before the conference of the parties mandated by Fed.R.Civ.P. 26(f). Based upon the consultation with their clients and discussion with opposing counsel, counsel must indicate the following in their Joint 26(f) Report: 1) whether the case is best suited for mediation with a neutral from the Court Mediation Panel or private mediation; and 2) when the mediation should occur. See Civil L.R. 26-1(c).

At the initial scheduling conference, counsel should be fully prepared to discuss their preference for referral to the Court Mediation Panel or to private mediation and when the mediation should occur. The Court will enter an Order/Referral to ADR at or around the time of the scheduling conference.

Clerk, U.S. District Court

Dated: Tuesday, July 23, 2013

By: MDAVIS

Deputy Clerk

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY(S)
OR OF PARTY APPEARING IN PRO PER
Michael R. Lozeau
Douglas J. Chermak
LOZEAU DRURY LLP
410 12th Street, Suite 250
Oakland, CA 94607
(510) 836-4200

FILED

2013 JUL 23 AM 11:01

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

ATTORNEY(S) FOR: California Communities Against Toxics

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

California Communities Against Toxics

CASE NUMBER:

Plaintiff(s),

CV 13-05287 - GW (ATW)

v.
USA Waste of California, Inc.

Defendant(s)

CERTIFICATION AND NOTICE
OF INTERESTED PARTIES
(Local Rule 7.1-1)

TO: THE COURT AND ALL PARTIES OF RECORD:

The undersigned, counsel of record for California Communities Against Toxics
or party appearing in pro per, certifies that the following listed party (or parties) may have a pecuniary interest in
the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification
or recusal.

(List the names of all such parties and identify their connection and interest. Use additional sheet if necessary.)

PARTY

CONNECTION / INTEREST

Plaintiff California Communities Against Toxics does not
have any parties that might have a pecuniary interest in this
case to report.

July 22, 2013
Date

Signature

Attorney of record for (or name of party appearing in pro per):

Douglas J. Chermak

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George H. Wu and the assigned discovery Magistrate Judge is Andrew J. Wistrich.

The case number on all documents filed with the Court should read as follows:

CV13- 5287 GW (AJWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

1 Michael R. Lozeau (State Bar No. 142893)
2 Richard T. Drury (State Bar No. 163559)
3 Douglas J. Chermak (State Bar No. 233382)
4 LOZEAU DRURY LLP
5 410 12th Street, Suite 250
6 Oakland, CA 94607
7 Tel: (510) 836-4200
8 Fax: (510) 836-4205 (fax)
9 E-mail: michael@lozeaudrury.com
10 richard@lozeaudrury.com
11 doug@lozeaudrury.com

12 Gideon Kracov (State Bar No. 179815)
13 Mitchell Tsai (State Bar No. 277156)
14 LAW OFFICE OF GIDEON KRACOV
15 801 S. Grand Avenue, 11th Floor
16 Los Angeles, CA 90017-4645
17 Tel: (213) 629-2071
18 Fax: (213) 623-7755
19 Email: gk@gideonlaw.net
20 tsai.mitchell@gmail.com

21 Attorneys for Plaintiff
22 CALIFORNIA COMMUNITIES
23 AGAINST TOXICS

24 UNITED STATES DISTRICT COURT
25 CENTRAL DISTRICT OF CALIFORNIA

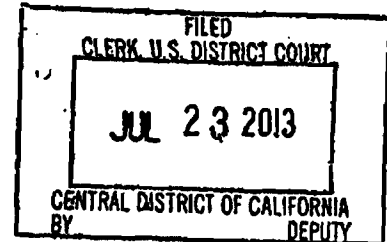
26 CALIFORNIA COMMUNITIES
27 AGAINST TOXICS, an
28 unincorporated non-profit association,

Plaintiff,

vs.

USA WASTE OF CALIFORNIA,
INC., a corporation,

Defendant.



Case No.

CV 13-05287-GW
(ASW)

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF AND CIVIL
PENALTIES**

(Federal Water Pollution Control Act,
33 U.S.C. §§ 1251 to 1387)

1 CALIFORNIA COMMUNITIES AGAINST TOXICS (“CCAT”), a California
2 non-profit association, by and through its counsel, hereby alleges:

3 **I. JURISDICTION AND VENUE**
4

5 1. This is a civil suit brought under the citizen suit enforcement provisions
6 of the Federal Water Pollution Control Act, 33 U.S.C. § 1251, *et seq.* (the “Clean
7 Water Act” or “the Act”). This Court has subject matter jurisdiction over the parties
8 and the subject matter of this action pursuant to Section 505(a)(1)(A) of the Act, 33
9 U.S.C. § 1365(a)(1)(A), and 28 U.S.C. § 1331 (an action arising under the laws of the
10 United States). The relief requested is authorized pursuant to 28 U.S.C. §§ 2201-02
11 (power to issue declaratory relief in case of actual controversy and further necessary
12 relief based on such a declaration); 33 U.S.C. §§ 1319(b), 1365(a) (injunctive relief);
13 and 33 U.S.C. §§ 1319(d), 1365(a) (civil penalties).
14

15 2. On March 11, 2013, Plaintiff provided notice of Defendant’s violations
16 of the Act, and of its intention to file suit against Defendant, to the Administrator of
17 the United States Environmental Protection Agency (“EPA”); the Administrator of
18 EPA Region IX; the Executive Director of the State Water Resources Control Board
19 (“State Board”); the Executive Officer of the California Regional Water Quality
20 Control Board, Los Angeles Region (“Regional Board”); and to Defendant, as
21 required by the Act, 33 U.S.C. § 1365(b)(1)(A). True and correct copy of CCAT’s
22 two notice letters are attached as Exhibits A and B, and are incorporated by reference.
23
24
25
26
27
28

1 3. More than sixty days have passed since notice was served on Defendant
2 and the State and federal agencies. Plaintiff is informed and believes, and thereupon
3 alleges, that neither the EPA nor the State of California has commenced or is
4
5 diligently prosecuting a court action to redress the violations alleged in this complaint.
6 This action's claim for civil penalties is not barred by any prior administrative penalty
7
8 under Section 309(g) of the Act, 33 U.S.C. § 1319(g).

9 4. Venue is proper in the Central District of California pursuant to Section
10 505(c)(1) of the Act, 33 U.S.C. § 1365(c)(1), because the source of the violations is
11
12 located within this judicial district.

13 II. INTRODUCTION

14
15 5. This complaint seeks relief for Defendant's discharges of polluted storm
16 water and non-storm water pollutants from two of Defendant USA WASTE OF
17 CALIFORNIA, INC.'S ("USA Waste" or "Defendant") facilities in violation of the
18 Act and National Pollutant Discharge Elimination System ("NPDES") Permit No.
19 CAS000001, State Water Resources Control Board Water Quality Order No. 91-13-
20 DWQ, as amended by Water Quality Order No. 92-12-DWQ and Water Quality Order
21
22 No. 97-03-DWQ (hereinafter the "Permit" or "General Permit"). Defendant's
23
24 violations of the discharge, treatment technology, monitoring requirements, and other
25
26 procedural and substantive requirements of the Permit and the Act are ongoing and
27
28 continuous.

1 **III. PARTIES**

2 6. Plaintiff CALIFORNIA COMMUNITIES AGAINST TOXICS

3 ("CCAT") is an unincorporated non-profit association under the laws of the State of
4 California with its main office in Rosamond, California. CCAT has several members
5 who live, recreate and work in and around waters in the vicinity of Defendant's
6 facilities described in this Complaint. CCAT is dedicated to the preservation,
7 protection, and defense of the environment, particularly with respect to areas and
8 waters near urban industrial communities. To further these goals, CCAT actively
9 seeks federal and state agency implementation of the Act and other laws and, where
10 necessary, directly initiates enforcement actions on behalf of itself and its members.
11

12 7. Members of CCAT reside in and around the Los Angeles River and enjoy
13 using the Los Angeles River for recreation and other activities. Members of CCAT
14 use and enjoy the waters into which Defendant has caused, is causing, and will
15 continue to cause, pollutants to be discharged. Members of CCAT use those areas to
16 recreate and view wildlife, among other things. Defendant's discharges of pollutants
17 threaten or impair each of those uses or contribute to such threats and impairments.
18 Thus, the interests of CCAT's members have been, are being, and will continue to be
19 adversely affected by Defendant's failure to comply with the Clean Water Act and the
20 Permit. The relief sought herein will redress the harms to Plaintiff caused by
21 Defendant's activities.
22

1 8. Continuing commission of the acts and omissions alleged above will
2 irreparably harm Plaintiff and its members, for which harm they have no plain, speedy
3 or adequate remedy at law.
4

5 9. Defendant USA WASTE OF CA, INC. is a corporation that owns and
6 operates transfer station and material recovery facilities in both Carson, California,
7 and Paramount, California.
8

9 **IV. STATUTORY BACKGROUND**

10 10. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of
11 any pollutant into waters of the United States, unless such discharge is in compliance
12 with various enumerated sections of the Act. Among other things, Section 301(a)
13 prohibits discharges not authorized by, or in violation of, the terms of an NPDES
14 permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
15
16

17 11. Section 402(p) of the Act establishes a framework for regulating
18 municipal and industrial storm water discharges under the NPDES program. 33
19 U.S.C. § 1342(p). States with approved NPDES permit programs are authorized by
20 Section 402(p) to regulate industrial storm water discharges through individual
21 permits issued to dischargers or through the issuance of a single, statewide general
22 permit applicable to all industrial storm water dischargers. 33 U.S.C. § 1342(p).
23
24
25

26 12. Pursuant to Section 402 of the Act, 33 U.S.C. § 1342, the Administrator
27 of the U.S. EPA has authorized California's State Board to issue NPDES permits
28

1 including general NPDES permits in California.

2 13. The State Board elected to issue a statewide general permit for industrial
3 storm water discharges. The State Board issued the General Permit on or about
4 November 19, 1991, modified the General Permit on or about September 17, 1992,
5 and reissued the General Permit on or about April 17, 1997, pursuant to Section
6 402(p) of the Clean Water Act, 33 U.S.C. § 1342(p).
7

9 14. In order to discharge storm water lawfully in California, industrial
10 dischargers must comply with the terms of the General Permit or have obtained and
11 complied with an individual NPDES permit. 33 U.S.C. § 1311(a).
12

13 15. The General Permit contains several prohibitions. Effluent Limitation
14 B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their
15 storm water discharges through implementation of the Best Available Technology
16 Economically Achievable ("BAT") for toxic and nonconventional pollutants and the
17 Best Conventional Pollutant Control Technology ("BCT") for conventional pollutants.
18 BAT and BCT include both nonstructural and structural measures. General Permit,
19 Section A(8). Discharge Prohibition A(2) of the General Permit prohibits storm water
20 discharges and authorized non-storm water discharges that cause or threaten to cause
21 pollution, contamination, or nuisance. Receiving Water Limitation C(1) of the
22 General Permit prohibits storm water discharges to any surface or ground water that
23 adversely impact human health or the environment. Receiving Water Limitation C(2)
24
25
26
27
28

1 of the General Permit prohibits storm water discharges that cause or contribute to an
2 exceedance of any applicable water quality standards contained in Statewide Water
3 Quality Control Plan or the applicable Regional Board's Basin Plan.
4

5 16. In addition to absolute prohibitions, the General Permit contains a variety
6 of substantive and procedural requirements that dischargers must meet. Facilities
7 discharging, or having the potential to discharge, storm water associated with
8 industrial activity that have not obtained an individual NPDES permit must apply for
9 coverage under the State's General Permit by filing a Notice of Intent to Comply
10 ("NOI"). The General Permit requires existing dischargers to have filed their NOIs
11 before March 30, 1992.
12
13
14

15 17. Dischargers must develop and implement a Storm Water Pollution
16 Prevention Plan ("SWPPP"). The SWPPP must describe storm water control facilities
17 and measures that comply with the BAT and BCT standards. The General Permit
18 requires that an initial SWPPP have been developed and implemented before October
19 1, 1992. The SWPPP must, among other requirements, identify and evaluate sources
20 of pollutants associated with industrial activities that may affect the quality of storm
21 and non-storm water discharges from the facility and identify and implement site-
22 specific best management practices ("BMPs") to reduce or prevent pollutants
23 associated with industrial activities in storm water and authorized non-storm water
24 discharges (Section A(2)). The SWPPP's BMPs must implement BAT and BCT
25
26
27
28

1 (Section B(3)). The SWPPP must include: a description of individuals and their
2 responsibilities for developing and implementing the SWPPP (Section A(3)); a site
3 map showing the facility boundaries, storm water drainage areas with flow pattern and
4 nearby water bodies, the location of the storm water collection, conveyance and
5 discharge system, structural control measures, impervious areas, areas of actual and
6 potential pollutant contact, and areas of industrial activity (Section A(4)); a list of
7 significant materials handled and stored at the site (Section A(5)); a description of
8 potential pollutant sources including industrial processes, material handling and
9 storage areas, dust and particulate generating activities, and a description of
10 significant spills and leaks, a list of all non-storm water discharges and their sources,
11 and a description of locations where soil erosion may occur (Section A(6)). The
12 SWPPP must include an assessment of potential pollutant sources at the facility and a
13 description of the BMPs to be implemented at the facility that will reduce or prevent
14 pollutants in storm water discharges and authorized non-storm water discharges,
15 including structural BMPs where non-structural BMPs are not effective (Section A(7),
16 (8)). The SWPPP must be evaluated to ensure effectiveness and must be revised
17 where necessary (Sections A(9), (10)).

18
19
20
21
22
23
24
25 18. Section C(11)(d) of the General Permit's Standard Provisions requires
26 dischargers to report any noncompliance to the Regional Board. *See also* Section
27 E(6). Section A(9) of the General Permit requires an annual evaluation of storm water
28

1 controls including the preparation of an evaluation report and implementation of any
2 additional measures in the SWPPP to respond to the monitoring results and other
3 inspection activities.
4

5 19. The General Permit requires dischargers commencing industrial activities
6 before October 1, 1992 to develop and implement an adequate written monitoring and
7 reporting program no later than October 1, 1992. Existing facilities covered under the
8 General Permit must implement all necessary revisions to their monitoring programs
9 no later than August 1, 1997.
10
11

12 20. As part of their monitoring program, dischargers must identify all storm
13 water discharge locations that produce a significant storm water discharge, evaluate
14 the effectiveness of BMPs in reducing pollutant loading, and evaluate whether
15 pollution control measures set out in the SWPPP are adequate and properly
16 implemented. Dischargers must conduct visual observations of these discharge
17 locations for at least one storm per month during the wet season (October through
18 May) and record their findings in their Annual Report. Dischargers must also collect
19 and analyze storm water samples from at least two storms per year. Section B(5)(a) of
20 the General Permit requires that dischargers "shall collect storm water samples during
21 the first hour of discharge from (1) the first storm event of the wet season, and (2) at
22 least one other storm event in the wet season. All storm water discharge locations
23 shall be sampled." Section B(5)(c)(i) requires dischargers to sample and analyze
24
25
26
27
28

1 during the wet season for basic parameters, such as pH, total suspended solids,
2 electrical conductance, and total organic content or oil & grease, certain industry-
3 specific parameters. Section B(5)(c)(ii) requires dischargers to sample for toxic
4 chemicals and other pollutants likely to be in the storm water discharged from the
5 facility. Section B(5)(c)(iii) requires discharges to sample for parameters dependent
6 on a facility's standard industrial classification ("SIC") code. Section B(7)(a)
7 indicates that the visual observations and samples must represent the "quality and
8 quantity of the facility's storm water discharges from the storm event." Section
9 B(7)(c) requires that "if visual observation and sample collection locations are
10 difficult to observe or sample...facility operators shall identify and collect samples
11 from other locations that represent the quality and quantity of the facility's storm
12 water discharges from the storm event."
13
14
15
16
17

18 21. The General Permit requires that facility operators "investigate the
19 facility to identify all non-storm water discharges and their sources. As part of this
20 investigation, all drains (inlets and outlets) shall be evaluated to identify whether they
21 connect to the storm drain system. All non-storm water discharges shall be described.
22 This shall include the source, quantity, frequency, and characteristics of the non-storm
23 water discharges and associated drainage area." Section A(6)(a)(v). The General
24 Permit authorizes certain non-storm water discharges providing that the non-storm
25 water discharges are in compliance with Regional Board requirements; that the non-
26
27
28

1 storm water discharges are in compliance with local agency ordinances and/or
2 requirements; that best management practices (“BMPs”) are included in the Storm
3 Water Pollution Prevention Plan to (1) prevent or reduce the contact of non-storm
4 water discharges with significant materials or equipment and (2) minimize, to the
5 extent practicable, the flow or volume of non-storm water discharges; that the non-
6 storm water discharges do not contain significant quantities of pollutants; and that the
7 monitoring program includes quarterly visual observations of each non-storm water
8 discharge and its sources to ensure that BMPs are being implemented and are effective
9 (Special Conditions D). Section B(3) of the General Permit requires dischargers to
10 conduct visual observations of all drainage areas for the presence of non-storm water
11 discharges, to observe the non-storm water discharges, and maintain records of such
12 observations.
13
14
15
16
17

18 22. Section B(14) of the General Permit requires dischargers to submit an
19 annual report by July 1 of each year to the executive officer of the relevant Regional
20 Board. The annual report must be signed and certified by an appropriate corporate
21 officer. Sections B(14), C(9), (10). Section A(9)(d) of the General Permit requires
22 the discharger to include in their annual report an evaluation of their storm water
23 controls, including certifying compliance with the General Permit. *See also* Sections
24 C(9), C(10) and B(14).
25
26

27 23. The General Permit does not provide for any mixing zones by
28

1 dischargers. The General Permit does not provide for any dilution credits to be
2 applied by dischargers.

3 24. The Regional Board has established water quality standards for the Los
4 Angeles River Watershed in the “Water Quality Control Plan – Los Angeles Region:
5 Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties”,
6 generally referred to as the Basin Plan.
7

8 25. The Basin Plan includes a narrative toxicity standard which states that
9 “[a]ll waters shall be maintained free of toxic substances in concentrations that are
10 toxic to, or that produce detrimental physiological responses in, human, plant, animal,
11 or aquatic life.”
12

13 26. The Basin Plan includes a narrative oil and grease standard which states
14 that “[w]aters shall not contain oils, greases, waxes, or other materials in
15 concentrations that result in a visible film or coating on the surface of the water or on
16 objects in the water, that cause nuisance, or that otherwise adversely affect beneficial
17 uses.”
18

19 27. The Basin Plan provides that “[w]aters shall not contain suspended or
20 settleable material in concentrations that cause nuisance or adversely affect beneficial
21 uses.”
22

23 28. The Basin Plan provides that “[t]he pH of bays or estuaries [or inland
24 surface waters] shall not be depressed below 6.5 or raised above 8.5 as a result of
25
26
27
28

1 waste discharges.”

2 29. The Basin Plan provides that “[s]urface waters shall not contain
3 concentrations of chemical constituents in amounts that adversely affect any
4 designated beneficial use.”
5

6 30. The Basin Plan provides that “[w]ater shall not contain floating materials,
7 including solids, liquids, foams, and scum, in concentrations that cause nuisance or
8 adversely affects beneficial uses.”
9

10 31. EPA has established Parameter Benchmark Values as guidelines for
11 determining whether a facility discharging industrial storm water has implemented the
12 requisite BAT and BCT. EPA has established Parameter Benchmark Values for the
13 following parameters, among others: pH – 6.0 - 9.0 units; total suspended solids
14 (“TSS”) – 100 mg/L, oil and grease (“O&G”) – 15 mg/L, total organic carbon
15 (“TOC”) – 110 mg/L, and iron – 1.0 mg/L.
16
17
18

19 32. Section 505(a)(1) and Section 505(f) of the Act provide for citizen
20 enforcement actions against any “person,” including individuals, corporations, or
21 partnerships, for violations of NPDES permit requirements. 33 U.S.C. §§1365(a)(1)
22 and (f), § 1362(5). An action for injunctive relief under the Act is authorized by 33
23 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil
24 penalties of up to \$32,500 per day per violation for all violations occurring through
25 January 12, 2009, and \$37,500 per day per violation for all violations occurring after
26
27
28

1 January 12, 2009, pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§
2 1319(d), 1365. *See also* 40 C.F.R. §§ 19.1 - 19.4.

3
4 **V. STATEMENT OF FACTS**

5 **Violations at Carson Transfer Station**

6 33. Defendant USA Waste operates the Carson Transfer Station ("CTS"), a
7 transfer station and material recovery facility located at 321 W Francisco Street in
8 Carson, California. On information and belief, CCAT alleges that CTS is engaged in
9 the handling, disposal, recycling, and transfer of solid waste as well as the
10 maintenance of both onsite operational equipment and solid waste transfer vehicles.
11 CTS falls within SIC Code 4953. The majority of CTS is paved and used for
12 receiving, sorting, storing, and transporting waste materials. On information and
13 belief, Plaintiff alleges that there are at least two large buildings located on the
14 property. Plaintiff is informed and believes, and thereupon alleges that transfer,
15 sorting, and the movement of materials is conducted both inside and outside of these
16 buildings. Waste and recycled material are transported in and out of these buildings
17 for storage in the outdoor areas of CTS.

18 34. Defendant channels and collects storm water falling on CTS through a
19 series of storm water drains that lead to at least four storm water outfalls. Each storm
20 drain collects storm water runoff from a particular area of CTS. CTS' outfalls
21 discharge to the County of Los Angeles storm drain system, which discharges to the
22

1 Los Angeles River.

2 35. On information and belief, Plaintiff alleges that the industrial activities at
3 CTS include the sorting and processing of solid waste, green waste, construction and
4 demolition material. They also include the storage, fueling, and maintenance of
5 trucks, forklifts, and other machinery used to transfer and dispose of these materials.
6

7
8 36. Significant activities at CTS take place outside and are exposed to
9 rainfall. These activities include the storage, handling, transfer, and disposal of waste
10 materials and the storage, maintenance, and use of vehicles and equipment for
11 materials handling. Loading and delivery of materials occurs outside. Trucks enter
12 and exit CTS directly from and to a public road. Trucks, forklifts, and other
13 machinery are the primary means of moving materials around CTS. These areas are
14 exposed to storm water and storm flows due to the lack of overhead coverage, berms,
15 and other storm water controls.
16
17
18

19 37. Industrial machinery, heavy equipment and vehicles, including trucks
20 and forklifts are operated at CTS in areas exposed to storm water flows. Plaintiff is
21 informed and believes, and thereupon alleges, that such machinery and equipment
22 leak contaminants such as oil, grease, diesel fuel, and hydraulic fluids that are exposed
23 to storm water flows, and that such machinery and equipment track sediment and
24 other contaminants throughout CTS. On information and belief, Plaintiff alleges that
25 trucks leaving CTS track substantial amounts of material onto adjoining public roads.
26
27
28

1 During rain events, material that has been tracked from CTS onto public roads during
2 dry weather is transported via storm water to storm drain channels.

3 38. Plaintiff is informed and believes, and thereupon alleges that the storm
4 water flows easily over the surface of CTS, collecting suspended sediment, dirt, oils,
5 grease, and other pollutants as it flows toward the storm water drains. Storm water
6 and any pollutants contained in that storm water entering the drains flows directly to
7 CTS's outfalls which discharge to the County of Los Angeles storm drain system,
8 which discharges to the Los Angeles River.
9

10 39. The management practices at CTS are wholly inadequate to prevent the
11 sources of contamination described above from causing the discharge of pollutants to
12 waters of the United States. CTS lacks sufficient structural controls such as grading,
13 berming, roofing, containment, or drainage structures to prevent rainfall and storm
14 water flows from coming into contact with these and other exposed sources of
15 contaminants. CTS lacks sufficient structural controls to prevent the discharge of
16 water once contaminated. CTS lacks adequate storm water pollution treatment
17 technologies to treat storm water once contaminated. CTS lacks controls to prevent
18 the tracking and flow of pollutants onto adjacent public roads.
19

20 40. Since at least December 16, 2008, Defendant has taken samples or
21 arranged for samples to be taken of storm water discharges at CTS. The sample
22 results were reported in CTS' annual reports submitted to the Regional Board.
23
24
25
26
27
28

Defendant USA Waste certified each of those annual reports pursuant to Sections A and C of the General Permit.

41. Since at least December 16, 2008, CTS has detected pH, TSS, TOC, O&G, and iron in storm water discharged from CTS. Since at least December 29, 2010, CTS has detected TOC in storm water discharged from CTS. Levels of these pollutants detected in CTS' storm water have been in excess of EPA's numeric parameter benchmark values. Levels of these pollutants detected in CTS' storm water have been outside of the parameters for water quality standards established in the Basin Plan.

42. The following discharges from CTS on the following dates contained concentrations of pollutants less than the numeric water quality standard for pH established in the Basin Plan:

Date	Parameter	Observed Concentration	Basin Plan Standard	Outfall (as identified by CTS)
12/12/2011	pH	6.27	6.5 – 8.5	Outfall E-1
12/29/2010	pH	5.7	6.5 – 8.5	Outfall W-2
12/16/2008	pH	5.27	6.5 – 8.5	Outfall W-1
12/16/2008	pH	6.38	6.5 – 8.5	Outfall W-2

43. The level of TSS in storm water detected by CTS has exceeded the benchmark value for TSS of 100 mg/L established by EPA. For example, on February 15, 2012, the level of TSS measured by Defendant from one of CTS' storm water outfalls was 3,900 mg/L. That level of TSS is 39 times the benchmark value for

1 TSS established by EPA. Defendant also has measured levels of TSS in storm water
2 discharged from CTS in excess of EPA's benchmark value of 100 mg/L in almost
3 every storm water sample it was taken for the past five years, including December 16,
4 2008; December 29, 2010; November 4, 2011; and December 12, 2011.
5

6 44. The level of iron in storm water detected by CTS has exceeded the
7 benchmark value for iron of 1 mg/L established by EPA. For example, on February
8 15, 2012, the level of iron measured by Defendant from one of CTS' storm water
9 outfalls was 58 mg/L. That level of iron is 58 times the benchmark value for iron.
10 Defendant also has measured levels of iron in storm water discharged from CTS in
11 excess of EPA's benchmark value of 1 mg/L in nearly every other storm water sample
12 it has taken for the past five years, including December 16, 2008; December 29, 2010;
13 November 4, 2011; and December 12, 2011.
14
15
16

17 45. The level of TOC in storm water detected by CTS has exceeded the
18 benchmark value for TOC of 110 mg/L established by EPA. For example, on
19 February 15, 2012, the level of TOC measured by Defendant from one of CTS' storm
20 water outfalls was 680 mg/L. That level of TOC is over 6 times the benchmark value
21 for TOC. Defendant also has measured levels of TOC in storm water discharged from
22 CTS in excess of EPA's benchmark value of 110 mg/L in nearly every other storm
23 water sample it has taken for the past five years, including December 29, 2010;
24 November 4, 2011; and December 12, 2011.
25
26
27
28

1 46. The level of O&G in storm water detected by CTS has exceeded the
2 benchmark value for O&G of 15 mg/L established by EPA. For example, on
3 December 12, 2011, the level of O&G measured by Defendant from one of CTS'
4 storm water outfalls was 93 mg/L. That level of O&G is over 6 times the benchmark
5 value for O&G. Defendant also has measured levels of O&G in storm water
6 discharged from CTS in excess of EPA's benchmark value of 15 mg/L on December
7 16, 2008; December 29, 2010; November 4, 2011; and February 15, 2012.
8
9

10 47. On information and belief, Plaintiff alleges that Defendant failed to
11 properly record visual observations of storm water discharges at CTS on February 15,
12 2012; December 12, 2011; and December 29, 2010. On these dates, on information
13 and belief, Plaintiff alleges that it would have been impossible for storm water
14 discharges with such high levels of TSS and O&G to be free from any turbidity,
15 coloration, or sheen.
16
17
18

19 48. On information and belief, Plaintiff alleges that Defendant failed to
20 observe and sample any storm water discharges at CTS during the 2009-2010 wet
21 season.
22

23 49. On information and belief, Plaintiff alleges that since at least May 23,
24 2008, Defendant has failed to implement BAT and BCT at CTS for its discharges of
25 pH, TSS, TOC, O&G, iron, and other pollutants. Section B(3) of the General Permit
26 requires that Defendant implement BAT for toxic and nonconventional pollutants and
27
28

1 BCT for conventional pollutants by no later than October 1, 1992. As of the date of
2 this Complaint, Defendant has failed to implement BAT and BCT at CTS.

3 50. On information and belief, Plaintiff alleges that since at least May 23,
4 2008, Defendant has failed to implement an adequate SWPPP for CTS. Plaintiff is
5 informed and believes, and thereupon alleges, that the SWPPP prepared for CTS does
6 not set forth site-specific best management practices for CTS that are consistent with
7 BAT or BCT for CTS. Plaintiff is informed and believes, and thereupon alleges, that
8 the SWPPP prepared for CTS does not include an adequate assessment of potential
9 pollutant sources, structural pollutant control measures employed by the Defendant, a
10 list of actual and potential areas of pollutant contact, or an adequate description of
11 best management practices to be implemented at CTS to reduce pollutant discharges.
12 According to information available to CCAT, Defendant's SWPPP for CTS has not
13 been evaluated to ensure its effectiveness and revised where necessary to further
14 reduce pollutant discharges. Plaintiff is informed and believes, and thereupon alleges,
15 that the SWPPP does not include each of the mandatory elements required by Section
16 A of the General Permit.
17

18 51. Information available to CCAT indicates that as a result of these
19 practices, storm water containing excessive pollutants is being discharged during rain
20 events from CTS directly to the County of Los Angeles storm drain system, which
21 discharges to the Los Angeles River.
22

1 52. Plaintiff is informed and believes, and thereupon alleges, that, Defendant
2 has failed and continues to fail to alter CTS' SWPPP and site-specific BMPs
3 consistent with Section A(9) of the General Permit.
4

5 53. Plaintiff is informed and believes that Defendant failed to submit to the
6 Regional Board a true and complete annual report for CTS certifying compliance with
7 the General Permit since at least May 23, 2008. Pursuant to Sections A(9)(d), B(14),
8 and C(9), (10) of the General Permit, Defendant must submit an annual report, that is
9 signed and certified by the appropriate corporate officer, outlining CTS' storm water
10 controls and certifying compliance with the General Permit. Plaintiff is informed and
11 believes, and thereupon alleges, that Defendant has signed incomplete annual reports
12 that purported to comply with the General Permit when there was significant
13 noncompliance at CTS.
14
15
16

17 54. Information available to Plaintiff indicates that Defendant has not
18 fulfilled the requirements set forth in the General Permit for discharges from CTS due
19 to the continued discharge of contaminated storm water. Plaintiff is informed and
20 believes, and thereupon alleges, that all of the violations alleged in this Complaint are
21 ongoing and continuing.
22
23
24

25 **Violations at South Gate Transfer Station**

26 55. Defendant USA Waste operates the South Gate Transfer Station
27 ("SGTS"), a transfer station and material recovery facility located at 4489 Ardine
28

1 Street in South Gate, California. On information and belief, CCAT alleges that SGTS
2 is engaged in the handling, disposal, recycling, and transfer of solid waste. SGTS
3 falls within SIC Code 4953. The majority of SGTS is paved and used for receiving,
4 sorting, storing, and transporting waste materials. On information and belief, Plaintiff
5 alleges that there is at least one large building located on the property. Plaintiff is
6 informed and believes, and thereupon alleges that transfer, sorting, and the movement
7 of materials is conducted both inside and outside of this building. Waste and recycled
8 material are transported in and out of these buildings for storage in the outdoor areas
9 of SGTS.
10
11
12

13 56. Defendant channels and collects storm water falling on SGTS through a
14 series of storm water drains that lead to at least two storm water outfalls. Each storm
15 drain collects storm water runoff from a particular area of SGTS. SGTS' outfalls
16 discharge to the County of Los Angeles storm drain system, which discharges to the
17 Los Angeles River.
18
19

20 57. On information and belief, Plaintiff alleges that the industrial activities at
21 SGTS include the sorting and processing of solid waste and green waste.
22

23 58. Significant activities at SGTS take place outside and are exposed to
24 rainfall. These activities include the storage, handling, transfer, and disposal of waste
25 materials. Loading and delivery of materials occurs outside. Trucks enter and exit
26 SGTS directly from and to a public road. Trucks, forklifts, and other machinery are
27
28

1 the primary means of moving materials around SGTS. These areas are exposed to
2 storm water and storm flows due to the lack of overhead coverage, berms, and other
3 storm water controls.
4

5 59. Industrial machinery, heavy equipment and vehicles, including trucks
6 and forklifts are operated at SGTS in areas exposed to storm water flows. Plaintiff is
7 informed and believes, and thereupon alleges, that such machinery and equipment
8 leak contaminants such as oil, grease, diesel fuel, and hydraulic fluids that are exposed
9 to storm water flows, and that such machinery and equipment track sediment and
10 other contaminants throughout SGTS. On information and belief, Plaintiff alleges
11 that trucks leaving SGTS track substantial amounts of material onto adjoining public
12 roads. During rain events, material that has been tracked from SGTS onto public
13 roads during dry weather is transported via storm water to storm drain channels.
14
15
16
17

18 60. Plaintiff is informed and believes, and thereupon alleges that the storm
19 water flows easily over the surface of SGTS, collecting suspended sediment, dirt, oils,
20 grease, and other pollutants as it flows toward the storm water drains. Storm water
21 and any pollutants contained in that storm water entering the drains flows directly to
22 SGTS's outfalls which discharge to the County of Los Angeles storm drain system,
23 which discharges to the Los Angeles River.
24
25

26 61. The management practices at SGTS are wholly inadequate to prevent the
27 sources of contamination described above from causing the discharge of pollutants to
28

1 waters of the United States. SGTS lacks sufficient structural controls such as grading,
2 berming, roofing, containment, or drainage structures to prevent rainfall and storm
3 water flows from coming into contact with these and other exposed sources of
4 contaminants. SGTS lacks sufficient structural controls to prevent the discharge of
5 water once contaminated. SGTS lacks adequate storm water pollution treatment
6 technologies to treat storm water once contaminated. SGTS lacks controls to prevent
7 the tracking and flow of pollutants onto adjacent public roads.
8
9

10 62. Since at least November 26, 2008, Defendant has taken samples or
11 arranged for samples to be taken of storm water discharges at SGTS. The sample
12 results were reported in SGTS' annual reports submitted to the Regional Board.
13 Defendant USA Waste certified each of those annual reports pursuant to Sections A
14 and C of the General Permit.
15
16

17 63. Since at least November 26, 2008, SGTS has detected TSS, pH, O&G,
18 and iron in storm water discharged from SGTS. Levels of these pollutants detected in
19 SGTS' storm water have been in excess of EPA's numeric parameter benchmark
20 values. Levels of these pollutants detected in SGTS' storm water have been outside of
21 the parameters for water quality standards established in the Basin Plan.
22
23

24 64. On November 4, 2011, the level of pH measured at the "Front Area"
25 outfall of SFTS was 6.47, less than the numeric water quality standard for pH
26 established in the Basin Plan.
27
28

1 65. The level of TSS in storm water detected by SGTS has exceeded the
2 benchmark value for TSS of 100 mg/L established by EPA. For example, on
3 February 15, 2012, the level of TSS measured by Defendant from one of SGTS' storm
4 water outfalls was 1,000 mg/L. That level of TSS is 10 times the benchmark value for
5 TSS. Defendant also has measured levels of TSS in storm water discharged from
6 SGTS in excess of EPA's benchmark value of 100 mg/L in every storm water sample
7 it was taken for the past five years, including November 26, 2008; November 4, 2011;
8 and December 12, 2011.
9

10
11
12 66. The level of O&G in storm water detected by SGTS has exceeded the
13 benchmark value for O&G of 15 mg/L established by EPA. For example, on
14 February 15, 2012, the level of O&G measured by Defendant from one of SGTS'
15 storm water outfalls was 21 mg/L. That level of O&G is almost 1.5 times the
16 benchmark value for O&G. Defendant also has measured levels of O&G in storm
17 water discharged from SGTS in excess of EPA's benchmark value of 15 mg/L on
18 December 12, 2011.
19
20
21

22 67. The level of iron in storm water detected by SGTS has exceeded the
23 benchmark value for iron of 1 mg/L established by EPA. For example, on February
24 15, 2012, the level of iron measured by Defendant from one of SGTS' storm water
25 outfalls was 9.8 mg/L. That level of iron is almost 10 times the benchmark value for
26 iron. Defendant also has measured levels of iron in storm water discharged from
27
28

1 SGTS in excess of EPA's benchmark value of 1 mg/L in every storm water sample it
2 was taken for the past five years, including November 26, 2008; November 4, 2011;
3 and December 12, 2011.
4

5 68. On information and belief, Plaintiff alleges that since at least May 23,
6 2008, Defendant has failed to implement BAT and BCT at SGTS for its discharges of
7 pH, TSS, O&G, iron, and other pollutants. Section B(3) of the General Permit
8 requires that Defendant implement BAT for toxic and nonconventional pollutants and
9 BCT for conventional pollutants by no later than October 1, 1992. As of the date of
10 this Complaint, Defendant has failed to implement BAT and BCT at SGTS.
11

12 69. On information and belief, Plaintiff alleges that since at least May 23,
13 2008, Defendant has failed to implement an adequate SWPPP for SGTS. Plaintiff is
14 informed and believes, and thereupon alleges, that the SWPPP prepared for SGTS does
15 not set forth site-specific best management practices for SGTS that are consistent with
16 BAT or BCT for SGTS. Plaintiff is informed and believes, and thereupon alleges, that
17 the SWPPP prepared for SGTS does not include an adequate assessment of potential
18 pollutant sources, structural pollutant control measures employed by the Defendant, a
19 list of actual and potential areas of pollutant contact, or an adequate description of
20 best management practices to be implemented at SGTS to reduce pollutant discharges.
21 According to information available to CCAT, Defendant's SWPPP for SGTS has not
22 been evaluated to ensure its effectiveness and revised where necessary to further
23
24
25
26
27
28

1 reduce pollutant discharges. Plaintiff is informed and believes, and thereupon alleges,
2 that the SWPPP does not include each of the mandatory elements required by Section
3 A of the General Permit.
4

5 70. Information available to CCAT indicates that as a result of these
6 practices, storm water containing excessive pollutants is being discharged during rain
7 events from SGTS directly to the County of Los Angeles storm drain system, which
8 discharges to the Los Angeles River.
9

10 71. Plaintiff is informed and believes, and thereupon alleges, that, Defendant
11 has failed and continues to fail to alter SGTS' SWPPP and site-specific BMPs
12 consistent with Section A(9) of the General Permit.
13

14 72. Plaintiff is informed and believes that Defendant failed to submit to the
15 Regional Board a true and complete annual report for SGTS certifying compliance
16 with the General Permit since at least May 23, 2008. Pursuant to Sections A(9)(d),
17 B(14), and C(9), (10) of the General Permit, Defendant must submit an annual report,
18 that is signed and certified by the appropriate corporate officer, outlining SGTS'
19 storm water controls and certifying compliance with the General Permit. Plaintiff is
20 informed and believes, and thereupon alleges, that Defendant has signed incomplete
21 annual reports that purported to comply with the General Permit when there was
22 significant noncompliance at SGTS.
23

24 73. Information available to Plaintiff indicates that Defendant has not
25
26
27
28

1 fulfilled the requirements set forth in the General Permit for discharges from SGTS
2 due to the continued discharge of contaminated storm water. Plaintiff is informed and
3 believes, and thereupon alleges, that all of the violations alleged in this Complaint are
4 ongoing and continuing.
5

6 **VI. CLAIMS FOR RELIEF**

7
8 **FIRST CAUSE OF ACTION**

9 **Failure to Implement the Best Available and
Best Conventional Treatment Technologies
(Violations of Permit Conditions and the Act, 33 U.S.C. §§ 1311, 1342)**

10
11 74. Plaintiff re-alleges and incorporates all of the preceding paragraphs as if
12 fully set forth herein.

13
14 75. The General Permit's SWPPP requirements and Effluent Limitation B(3)
15 require dischargers to reduce or prevent pollutants in their storm water discharges
16 through implementation of BAT for toxic and nonconventional pollutants and BCT
17 for conventional pollutants. Defendant has failed to implement BAT and BCT at CTS
18 and SGTS for its discharges of pH, TSS, TOC, O&G, iron, and other un-monitored
19 pollutants in violation of Effluent Limitation B(3) of the General Permit.
20
21

22 76. Each day since May 23, 2008, that Defendant has failed to develop and
23 implement BAT and BCT in violation of the General Permit is a separate and distinct
24 violation of the General Permit and Section 301(a) of the Act, 33 U.S.C. § 1311(a).
25

26 77. Defendant has been in violation of the BAT/BCT requirements every day
27 since May 23, 2008. Defendant continues to be in violation of the BAT/BCT
28

1 requirements each day that it fails to develop and fully implement BAT/BCT at CTS.

2 78. Defendant has been in violation of the BAT/BCT requirements every day
3 since May 23, 2008. Defendant continues to be in violation of the BAT/BCT
4 requirements each day that it fails to develop and fully implement BAT/BCT at SGTS.
5

6 **SECOND CAUSE OF ACTION**
7 **Discharges of Contaminated Storm Water**
8 **in Violation of Permit Conditions and the Act**
9 **(Violations of 33 U.S.C. §§ 1311, 1342)**

10 79. Plaintiff re-alleges and incorporates all of the preceding paragraphs as if
11 fully set forth herein.

12 80. Discharge Prohibition A(2) of the General Permit requires that storm water
13 discharges and authorized non-storm water discharges shall not cause or threaten to
14 cause pollution, contamination, or nuisance. Receiving Water Limitations C(1) and
15 C(2) of the General Permit require that storm water discharges and authorized non-
16 storm water discharges shall not adversely impact human health or the environment, and
17 shall not cause or contribute to a violation of any water quality standards contained in a
18 Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan.
19

20 81. Plaintiff is informed and believes, and thereupon alleges, that since at least
21 May 23, 2008, Defendant has been discharging polluted storm water from CTS and
22 SGTS in excess of applicable water quality standards in violation of the Discharge
23 Prohibition A(2) of the General Permit.
24

25 82. During every rain event, storm water flows freely over exposed materials,
26
27
28

1 waste products, and other accumulated pollutants at CTS and SGTS, becoming
2 contaminated with pH, TSS, TOC, O&G, iron, and other un-monitored pollutants at
3 levels above applicable water quality standards. The storm water then flows untreated
4 from both CTS and SGTS into the City of Los Angeles' storm drain system, which
5 discharges to the Los Angeles River.
6

7
8 83. Plaintiff is informed and believes, and thereupon alleges, that these
9 discharges of contaminated storm water are causing or contributing to the violation of
10 the applicable water quality standards in a Statewide Water Quality Control Plan and/or
11 the applicable Regional Board's Basin Plan in violation of Receiving Water Limitation
12 C(2) of the General Permit.
13

14
15 84. Plaintiff is informed and believes, and thereupon alleges, that these
16 discharges of contaminated storm water are adversely affecting human health and the
17 environment in violation of Receiving Water Limitation C(1) of the General Permit.
18

19 85. Every day since at least May 23, 2008, that Defendant has discharged and
20 continues to discharge polluted storm water from CTS in violation of the General
21 Permit is a separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. §
22 1311(a). These violations are ongoing and continuous.
23

24
25 86. Every day since at least May 23, 2008, that Defendant has discharged and
26 continues to discharge polluted storm water from SGTS in violation of the General
27 Permit is a separate and distinct violation of Section 301(a) of the Act, 33 U.S.C. §
28

1 1311(a). These violations are ongoing and continuous.

2 **THIRD CAUSE OF ACTION**
3 **Failure to Prepare, Implement, Review, and Update**
4 **an Adequate Storm Water Pollution Prevention Plan**
5 **(Violations of Permit Conditions and the Act, 33 U.S.C. §§ 1311, 1342)**

6 87. Plaintiff re-alleges and incorporates all of the preceding paragraphs as if
7 fully set forth herein.

8 88. Section A and Provision E of the General Permit requires dischargers of
9 storm water associated with industrial activity to develop and implement an adequate
10 SWPPP no later than October 1, 1992.

11 89. Defendant has failed to develop and implement an adequate SWPPP for
12 CTS and for SGTS. Defendant's ongoing failure to develop and implement an
13 adequate SWPPP for CTS and SGTS is evidenced by, *inter alia*, Defendant's outdoor
14 storage of various materials without appropriate best management practices; the
15 continued exposure of significant quantities of various materials to storm water flows;
16 the continued exposure and tracking of waste resulting from the operation of vehicles at
17 CTS and SGTS, including trucks and forklifts; the failure to either treat storm water
18 prior to discharge or to implement effective containment practices; and the continued
19 discharge of storm water pollutants from CTS and SGTS at levels in excess of EPA
20 benchmark values and water quality standards.

21 90. Defendant has failed to update the SWPPPs for CTS and SGTS in
22 response to the analytical results of Defendant's storm water monitoring.
23
24
25
26
27
28

1 91. Each day since May 23, 2008, that Defendant has failed to develop,
2 implement and update an adequate SWPPP for CTS is a separate and distinct violation
3 of the General Permit and Section 301(a) of the Act, 33 U.S.C. § 1311(a).
4

5 92. Each day since May 23, 2008, that Defendant has failed to develop,
6 implement and update an adequate SWPPP for SGTS is a separate and distinct violation
7 of the General Permit and Section 301(a) of the Act, 33 U.S.C. § 1311(a).
8

9 93. Defendant continues to be in violation of the SWPPP requirements each
10 day that it fails to develop and fully implement an adequate SWPPP for CTS and for
11 SGTS.
12

13 **FOURTH CAUSE OF ACTION**
14 **Failure to Develop and Implement an Adequate Monitoring and Reporting**
15 **Program**
16 **(Violation of Permit Conditions and the Act, 33 U.S.C. §§ 1311, 1342)**

17 94. Plaintiff re-alleges and incorporates all of the preceding paragraphs as if
18 fully set forth herein.

19 95. Section B of the General Permit requires dischargers of storm water
20 associated with industrial activity to have developed and be implementing a
21 monitoring and reporting program (including, *inter alia*, sampling and analysis of
22 discharges) no later than October 1, 1992.
23

24 96. Defendant has failed to develop and implement an adequate monitoring
25 and reporting program for CTS. Defendant's ongoing failure to develop and
26 implement an adequate monitoring and reporting program is evidenced by, *inter alia*,
27
28

1 its failure to observe and sample any storm water discharges at CTS during the 2009-
2 2010 wet season.

3 97. Each day since May 23, 2008, that Defendant has failed to develop and
4 implement an adequate monitoring and reporting program for CTS and SGTS in
5 violation of the General Permit is a separate and distinct violation of the General
6 Permit and Section 301(a) of the Act, 33 U.S.C. § 1311(a). The absence of requisite
7 monitoring and analytical results are ongoing and continuous violations of the Act.
8
9

10
11 **FIFTH CAUSE OF ACTION**
12 **False Certification of Compliance in Annual Report**
13 **(Violations of Permit Conditions and the Act, 33 U.S.C. §§ 1311, 1342)**

14 98. Plaintiff re-alleges and incorporates all of the preceding paragraphs as if
15 fully set forth herein.

16 99. Defendant has falsely certified compliance with the General Permit in
17 each of the annual reports for both CTS and SGTS that Defendant has submitted to
18 the Regional Board since at least July 23, 2009.
19

20 100. Each day since at least July 23, 2009, that Defendant has falsely certified
21 compliance with the General Permit is a separate and distinct violation of the General
22 Permit and Section 301(a) of the Act, 33 U.S.C. § 1311(a). Defendant continues to be
23 in violation of the General Permit's certification requirement each day that it maintains
24 its false certification of its compliance with the General Permit.
25
26
27
28

1 **VII. RELIEF REQUESTED**

2 Wherefore, Plaintiff respectfully requests that this Court grant the following
3 relief:
4

5 a. Declare Defendant to have violated and to be in violation of the Act as
6 alleged herein;
7

8 b. Enjoin Defendant from discharging polluted storm water from CTS
9 and SGTS unless authorized by the Permit;
10

11 c. Enjoin Defendant from further violating the substantive and procedural
12 requirements of the Permit;
13

14 d. Order Defendant to immediately implement storm water pollution
15 control and treatment technologies and measures that are equivalent to BAT or BCT and
16 prevent pollutants in CTS' and SGTS' storm water from contributing to violations of
17 any water quality standards;
18

19 e. Order Defendant to comply with the Permit's monitoring and reporting
20 requirements, including ordering supplemental monitoring to compensate for past
21 monitoring violations;
22

23 f. Order Defendant to prepare SWPPPs consistent with the Permit's
24 requirements and implement procedures to regularly review and update the SWPPPs;
25

26 g. Order Defendant to provide Plaintiff with reports documenting the
27 quality and quantity of their discharges to waters of the United States and their efforts to
28

1 comply with the Act and the Court's orders;

2 h. Order Defendant to pay civil penalties of \$32,500 per day per violation
3 for all violations occurring through January 12, 2009, and \$37,500 per day per violation
4 for all violations occurring after January 12, 2009, for each violation of the Act pursuant
5 to Sections 309(d) and 505(a) of the Act, 33 U.S.C. §§ 1319(d), 1365(a) and 40 C.F.R.
6 §§ 19.1 - 19.4;
7

8
9 i. Order Defendant to take appropriate actions to restore the quality of
10 waters impaired or adversely affected by their activities;
11

12 j. Award Plaintiff's costs (including reasonable investigative, attorney,
13 witness, compliance oversight, and consultant fees) as authorized by the Act, 33 U.S.C.
14 § 1365(d); and,
15

16 k. Award any such other and further relief as this Court may deem
17 appropriate.
18

19 Dated: July 22, 2013

Respectfully submitted,

20 LOZEAU DRURY LLP

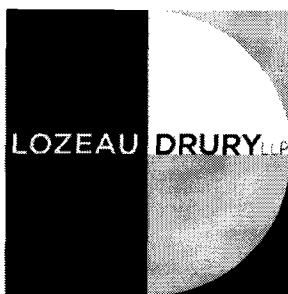
21 By: 

22 Douglas J. Chermak

23 Attorneys for Plaintiff

24 CALIFORNIA COMMUNITIES AGAINST
25 TOXICS
26
27
28

EXHIBIT A



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
doug@lozeaudrury.com

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

March 11, 2013

Jesus Gonzalez, District Manager
Laura Keener, Environmental Protection Manager
USA Waste of CA, Inc.
321 W Francisco Street
Carson, CA 90745

**Re: Notice of Violations and Intent to File Suit Under the Federal Water
Pollution Control Act**

Dear Mr. Gonzalez and Ms. Keener:

I am writing on behalf of California Communities Against Toxics ("CCAT") in regard to violations of the Clean Water Act ("Act") that CCAT believes are occurring at USA Waste of CA, Inc.'s ("USA Waste") facility, the Carson Transfer Station ("Facility"), located at 321 W Francisco Street in Carson, California. CCAT is a non-profit public benefit corporation dedicated to working with communities to advocate for environmental justice and pollution prevention. CCAT has members living in the community adjacent to the Facility and the Los Angeles River Watershed. CCAT and its members are deeply concerned with protecting the environment in and around their communities, including the Los Angeles River Watershed. This letter is being sent to you as the responsible owners, officers, or operators of the Facility (all recipients are hereinafter collectively referred to as "Carson Transfer").

This letter addresses Carson Transfer's unlawful discharge of pollutants from the Facility through the Los Angeles County municipal storm sewer system into the Los Angeles River. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (hereinafter "General Permit"). The WDID identification number for the Facility listed on documents submitted to the Regional Board is 419I000563. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file

Notice of Violations and Intent to File Suit

suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA") and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, Carson Transfer is hereby placed on formal notice by CCAT that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CCAT intends to file suit in federal court against USA Waste, Jesus Gonzalez, and Laura Keener under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the Order. These violations are described more extensively below.

I. Background.

On October 27, 1995, Carson Transfer filed a Notice of Intent to Comply With the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI").¹ On its NOI, Carson Transfer certified that the Facility is classified under SIC Codes 4953 ("solid waste transfer station"). The Facility collects and discharges storm water from its 6.71 acre industrial site into four storm drain outfalls located at the Facility. The outfalls discharge into Los Angeles County's municipal storm sewer system, which flows in the Los Angeles River.

The Regional Board has identified beneficial uses of the Los Angeles River Watershed and established water quality standards for it in the "Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties", generally referred to as the Basin Plan. See http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.shtml. The beneficial uses of these waters include, among others, contact and non-contact recreation, warm freshwater habitat, wildlife habitat, wetland habitat, commercial and sport fishing, estuarine and marine habitat, and migration of aquatic organisms. The non-contact recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities." *Id.* at 2-2. Contact recreation use includes fishing and wading. *Id.* Commercial and sport fishing includes the commercial or recreational collection of fish and shellfish for human consumption. Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people's use of the Los Angeles River for contact and non-contact water recreation and commercial and sport fishing.

¹ CCAT believes there was an original NOI filed earlier since a letter from the State Water Resources Control Board indicates that it received and approved the original NOI on March 16, 1992. However, a copy of the earlier NOI was not on file with the Regional Board.

The Basin Plan includes a narrative toxicity standard which states that “[a]ll waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life.” *Id.* at 3-16. The Basin Plan includes a narrative oil and grease standard which states that “[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.” *Id.* at 3-11. The Basin Plan provides that “[w]aters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-16. The Basic Plan provides that “[t]he pH of bays or estuaries [or inland surface waters] shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges.” *Id.* at 3-15. The Basin Plan provides that “[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use.” *Id.* at 3-8. The Basin Plan provides that “[w]ater shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-9.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (“BAT”) and best conventional pollutant control technology (“BCT”). The following benchmarks have been established for pollutants discharged by Carson Transfer: pH – 6.0 - 9.0 units; total suspended solids (“TSS”) – 100 mg/L, oil and grease (“O&G”) – 15 mg/L, total organic carbon (“TOC”) – 110 mg/L, and iron – 1.0 mg/L.

II. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit not Subjected to BAT/BCT

Carson Transfer has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand (“BOD”), and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the General Permit prohibits the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the General Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the General Industrial Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2). As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

Carson Transfer has discharged and continues to discharge storm water with unacceptable levels of total suspended solids, oil & grease, total organic carbon, iron, and other pollutants in violation of the General Permit. Carson Transfer's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The Facility discharged storm water on the following dates with the corresponding indicated pH levels at the indicated Outfalls:

- o December 12, 2011 – 6.27 (Outfall E-1)
- o December 29, 2010 – 5.7 (Outfall W-2)
- o December 16, 2008 – 5.27 (Outfall W-1)
- o December 16, 2008 – 6.38 (Outfall W-2)

These discharges of pollutants from the Facility thus have contained concentrations of pollutants less than the numeric water quality standard established in the Basin Plan for pH and have thus violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2). They are evidence of ongoing violations of Effluent Limitation B(3) of the General Industrial Storm Water Permit.

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Industrial Storm Water Permit.

Date	Parameter	Observed Concentration	EPA Benchmark Value	Location (as identified by the Facility)
2/15/2012	Total Suspended Solids	3900 mg/L	100 mg/L	E-1
2/15/2012	Oil & Grease	65 mg/L	15 mg/L	E-1
2/15/2012	Total Organic Carbon	680 mg/L	110 mg/L	E-1
2/15/2012	Iron	58 mg/L	1.0 mg/L	E-1

2/15/2012	Total Suspended Solids	1900 mg/L	100 mg/L	E-2
2/15/2012	Oil & Grease	26 mg/L	15 mg/L	E-2
2/15/2012	Total Organic Carbon	130 mg/L	110 mg/L	E-2
2/15/2012	Iron	29 mg/L	1.0 mg/L	E-2
2/15/2012	Total Suspended Solids	2500 mg/L	100 mg/L	W-1
2/15/2012	Oil & Grease	46 mg/L	15 mg/L	W-1
2/15/2012	Total Organic Carbon	180 mg/L	110 mg/L	W-1
2/15/2012	Iron	42 mg/L	1.0 mg/L	W-1
2/15/2012	Total Suspended Solids	1100 mg/L	100 mg/L	W-2
2/15/2012	Oil & Grease	16 mg/L	15 mg/L	W-2
2/15/2012	Total Organic Carbon	160 mg/L	110 mg/L	W-2
2/15/2012	Iron	19 mg/L	1.0 mg/L	W-2
12/12/2011	Total Suspended Solids	1900 mg/L	100 mg/L	E-1
12/12/2011	Oil & Grease	68 mg/L	15 mg/L	E-1
12/12/2011	Total Organic Carbon	310 mg/L	110 mg/L	E-1
12/12/2011	Iron	56 mg/L	1.0 mg/L	E-1
12/12/2011	Total Suspended Solids	640 mg/L	100 mg/L	E-2
12/12/2011	Oil & Grease	29 mg/L	15 mg/L	E-2
12/12/2011	Iron	19 mg/L	1.0 mg/L	E-2
12/12/2011	Total Suspended Solids	3000 mg/L	100 mg/L	W-1
12/12/2011	Oil & Grease	93 mg/L	15 mg/L	W-1
12/12/2011	Total Organic Carbon	190 mg/L	110 mg/L	W-1
12/12/2011	Iron	44 mg/L	1.0 mg/L	W-1
12/12/2011	Total Suspended Solids	890 mg/L	100 mg/L	W-2
12/12/2011	Oil & Grease	53 mg/L	15 mg/L	W-2
12/12/2011	Total Organic Carbon	140 mg/L	110 mg/L	W-2
12/12/2011	Iron	20 mg/L	1.0 mg/L	W-2
11/4/2011	Total Suspended Solids	680 mg/L	100 mg/L	E-1
11/4/2011	Oil & Grease	28 mg/L	15 mg/L	E-1
11/4/2011	Total Organic Carbon	260 mg/L	110 mg/L	E-1
11/4/2011	Iron	21 mg/L	1.0 mg/L	E-1
11/4/2011	Total Organic Carbon	230 mg/L	110 mg/L	E-2
11/4/2011	Iron	4.3 mg/L	1.0 mg/L	E-2
11/4/2011	Total Suspended Solids	240 mg/L	100 mg/L	W-1
11/4/2011	Oil & Grease	15 mg/L	15 mg/L	W-1
11/4/2011	Total Organic Carbon	220 mg/L	110 mg/L	W-1
11/4/2011	Iron	6.9 mg/L	1.0 mg/L	W-1
11/4/2011	Total Suspended Solids	390 mg/L	100 mg/L	W-2
11/4/2011	Oil & Grease	33 mg/L	15 mg/L	W-2
11/4/2011	Total Organic Carbon	360 mg/L	110 mg/L	W-2
11/4/2011	Iron	18 mg/L	1.0 mg/L	W-2
12/29/2010	Total Suspended Solids	5700 mg/L	100 mg/L	E-1

12/29/2010	Oil & Grease	55 mg/L	15 mg/L	E-1
12/29/2010	Total Organic Carbon	270 mg/L	110 mg/L	E-1
12/29/2010	Iron	32 mg/L	1.0 mg/L	E-1
12/29/2010	Total Suspended Solids	150 mg/L	100 mg/L	E-2
12/29/2010	Iron	3.3 mg/L	1.0 mg/L	E-2
12/29/2010	Total Suspended Solids	1400 mg/L	100 mg/L	W-1
12/29/2010	Iron	6.1 mg/L	1.0 mg/L	W-1
12/29/2010	pH	5.7 s.u.	6.0 – 9.0 s.u.	W-2
12/29/2010	Total Suspended Solids	700 mg/L	100 mg/L	W-2
12/29/2010	Oil & Grease	21 mg/L	15 mg/L	W-2
12/29/2010	Total Organic Carbon	580 mg/L	110 mg/L	W-2
12/29/2010	Iron	9.4 mg/L	1.0 mg/L	W-2
12/16/2008	Total Suspended Solids	1170 mg/L	100 mg/L	E-1
12/16/2008	Iron	12.1 mg/L	1.0 mg/L	E-1
12/16/2008	Total Suspended Solids	448 mg/L	100 mg/L	E-2
12/16/2008	Iron	3.8 mg/L	1.0 mg/L	E-2
12/16/2008	pH	5.27 s.u.	6.0 – 9.0 s.u.	W-1
12/16/2008	Total Suspended Solids	365 mg/L	100 mg/L	W-1
12/16/2008	Oil & Grease	18.8 mg/L	15 mg/L	W-1
12/16/2008	Iron	23.1 mg/L	1.0 mg/L	W-1
12/16/2008	Total Suspended Solids	5930 mg/L	100 mg/L	W-2
12/16/2008	Iron	33.7 mg/L	1.0 mg/L	W-2

The information in the above table reflects data gathered from Carson Transfer's self-monitoring during the 2008-2009, 2009-2010, 2010-2011, and 2011-2012 wet seasons. CCAT alleges that during each of those rainy seasons and continuing through today, Carson Transfer has discharged storm water contaminated with pollutants at levels that exceed one or more applicable EPA Benchmarks, including but not limited to each of the following:

- Total Suspended Solids – 100 mg/L
- Oil & Grease – 15 mg/L
- Total Organic Carbon – 110 mg/L
- Iron – 1.0 mg/L

CCAT's investigation, including its review of Carson Transfer's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards and the EPA's benchmark values indicates that Carson Transfer has not implemented BAT and BCT at the Facility for its discharges of total suspended solids, oil & grease, total organic carbon, iron, and other pollutants, in violation of Effluent Limitation B(3) of the General Permit. Carson Transfer was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, Carson Transfer is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed in the table above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CCAT alleges that such violations also have occurred and will occur on other rain dates, including every significant rain event that has occurred since March 11, 2008 and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CCAT alleges that Carson Transfer has discharged storm water containing impermissible levels of suspended solids, oil & grease, total organic carbon, and iron in violation of Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the General Permit.²

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Industrial Storm Water Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Carson Transfer is subject to penalties for violations of the General Permit and the Act since March 11, 2008.

B. Failure to Develop and Implement an Adequate Monitoring and Reporting Program

Section B of the General Permit describes the monitoring requirements for storm water and non-storm water discharges. Facilities are required to make monthly visual observations of storm water discharges (Section B(4)) and quarterly visual observations of both unauthorized and authorized non-storm water discharges (Section B(3)). Section B(5) requires facility operators to sample and analyze at least two storm water discharges from all storm water discharge locations during each wet season. Section B(7) requires that the visual observations and samples must represent the “quality and quantity of the facility’s storm water discharges from the storm event.”

On information and belief, CSPA alleges that Carson Transfer failed to properly record its visual observations on February 15, 2012; December 12, 2011; and December 29, 2010. On these dates, Carson Transfer conducted observations of storm water discharges and did not report observing any pollutants indicative of increased sediments – such as cloudiness or muddy water. Carson Transfer also did not report observing any pollutants indicative of increased oil & grease – such as oil sheen. However, Carson Transfer’s storm water sampling results for these dates indicate levels of TSS greatly in excess of the benchmark value of 100 mg/L – levels at which Carson Transfer was observing the presence of turbid, brown water in the storm water discharges. The sampling results for these dates also indicate levels of O&G well above the benchmark value of 15 mg/L – levels at which Carson Transfer undoubtedly was observing the presence of a sheen in the storm water discharges. On the dates listed above, the highest levels of TSS reported were 3900 mg/L, 3000 mg/L, and 5700 mg/L, respectively. CSPA alleges that it

² The rain dates are all the days when 0.1” or more rain fell as measured by at a weather station in Long Beach approximately 13 miles away from the Facility.

is impossible for water with levels of TSS this high to be free of turbidity and brown-colored water. On the dates listed above, the highest levels of O&G reported were 65 mg/L, 93 mg/L, and 55 mg/L, respectively. CPSA alleges that it is impossible for water with levels of O&G this high to be free of any sheen. These violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Carson Transfer is subject to penalties for violations of the General Permit and the Act since March 11, 2008.

On information and belief, CCAT also alleges that Carson Transfer failed to observe and sample any storm water discharges during the 2009-2010 wet season in violation of Sections B(4) and B(5) of the General Permit. In particular, CCAT alleges that Carson Transfer failed to observe and sample discharges on January 3, 2010, and February 27, 2010. Correspondence to the Regional Board indicates that the Facility is open 24 hours a day Monday through Friday and 12:00 am to 2:00 pm on Saturday. Thus, since the Facility reported that it rained on those days, the Facility violated the General Permit by failing to observe and sample storm water discharges on those days. It is not possible that the rainfall began prior to the workday, as the Facility reported. Further, the Facility failed to observe and sample storm water discharges on at least February 5, 2010, and April 22, 2010. On those days, the Facility indicated that the discharges were ineligible because of rain that occurred in the previous three days. However, the Facility reported that no *discharges* had occurred in the previous three days, and thus the Facility should have conducted the requisite sampling. As the General Permit sets forth, a Facility would be able to refrain from observing or sampling storm water discharges only if they were preceded by other *discharges* in the three days prior to the discharge.

Finally, the above-referenced data was obtained from the Facility's monitoring program as reported in its Annual Reports submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by Carson Transfer is not representative of the quality of the Facility's various storm water discharges and that the Facility failed to monitor all qualifying storm water discharges, CCAT, alleges that the Facility's monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit.

The above violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Carson Transfer is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since March 11, 2008.

C. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan.

Section A and Provision E(2) of the General Industrial Storm Water Permit require dischargers of storm water associated with industrial activity to develop, implement, and update an adequate storm water pollution prevention plan ("SWPPP") no later than October 1, 1992. Section A(1) and Provision E(2) requires dischargers who submitted an NOI pursuant to the

General Permit to continue following their existing SWPPP and implement any necessary revisions to their SWPPP in a timely manner, but in any case, no later than August 1, 1997.

The SWPPP must, among other requirements, identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility and identify and implement site-specific best management practices ("BMPs") to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges (General Permit, Section A(2)). The SWPPP must include BMPs that achieve BAT and BCT (Effluent Limitation B(3)). The SWPPP must include: a description of individuals and their responsibilities for developing and implementing the SWPPP (General Permit, Section A(3)); a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity (General Permit, Section A(4)); a list of significant materials handled and stored at the site (General Permit, Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (General Permit, Section A(6)).

The SWPPP also must include an assessment of potential pollutant sources at the Facility and a description of the BMPs to be implemented at the Facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective (General Permit, Section A(7), (8)). The SWPPP must be evaluated to ensure effectiveness and must be revised where necessary (General Permit, Section A(9),(10)).

CCAT's investigation of the conditions at the Facility as well as Carson Transfer's Annual Reports indicate that Carson Transfer has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. Carson Transfer has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. Carson Transfer has been in continuous violation of Section A and Provision E(2) of the General Permit every day since March 11, 2008, at the very latest, and will continue to be in violation every day that Carson Transfer fails to prepare, implement, review, and update an effective SWPPP. Carson Transfer is subject to penalties for violations of the Order and the Act occurring since March 11, 2008.

D. Failure to File True and Correct Annual Reports.

Section B(14) of the General Industrial Storm Water Permit requires dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. The Annual Report must be signed and certified by an appropriate corporate officer. General Permit, Sections B(14), C(9), (10). Section A(9)(d) of the General Industrial Storm Water Permit requires the discharger to include in their annual report an evaluation of

their storm water controls, including certifying compliance with the General Industrial Storm Water Permit. *See also* General Permit, Sections C(9) and (10) and B(14).

For the last five years, Carson Transfer and its agent, Jesus Gonzalez, inaccurately certified in their Annual Reports that the facility was in compliance with the General Permit. Consequently, Carson Transfer has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Industrial Storm Water Permit every time Carson Transfer failed to submit a complete or correct report and every time Carson Transfer or its agents falsely purported to comply with the Act. Carson Transfer is subject to penalties for violations of Section (C) of the General Industrial Storm Water Permit and the Act occurring since March 11, 2008.

III. Persons Responsible for the Violations.

CCAT puts USA Waste, Jesus Gonzalez, and Laura Keener on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CCAT puts USA Waste, Jesus Gonzalez, and Laura Keener on notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of CCAT is as follows:

Jane Williams
Executive Director
California Communities Against Toxics
P.O. Box 845
Rosamond, CA 93560
Tel. (661) 510-3412

V. Counsel.

CCAT has retained counsel to represent it in this matter. Please direct all communications to:

Michael R. Lozeau
Douglas J. Chermak
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, California 94607
Tel. (510) 836-4200
michael@lozeaudrury.com
doug@lozeaudrury.com

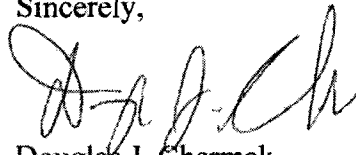
Gideon Kracov
Law Office of Gideon Kracov
801 S. Grand Avenue, 11th Floor
Los Angeles, CA 90017
gk@gideonlaw.net

VI. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects Carson Transfer to a penalty of up to \$32,500 per day per violation for all violations occurring during the period commencing five years prior to the date of this Notice of Violations and Intent to File Suit through January 12, 2009, and a maximum of \$37,500 per day per violation for all violations occurring after January 12, 2009. In addition to civil penalties, CCAT will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. §1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CCAT believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CCAT intends to file a citizen suit under Section 505(a) of the Act against Carson Transfer and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CCAT would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CCAT suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. CCAT does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Douglas J. Chermak

Lozeau Drury LLP

Attorneys for California Community Against Toxics

cc via first-class mail: CT Corporation, Agent for Service of Process for
USA Waste of California, Inc. (C1992530)
818 W Seventh Street
Los Angeles, CA 90017

SERVICE LIST

Bob Perciasepe, Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Jared Blumenfeld, Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

ATTCHMENT A**Rain Dates, Carson Transfer Station, Carson, California**

1/26/2008	2/19/2010	1/23/2012
1/27/2008	2/23/2010	2/15/2012
1/28/2008	2/27/2010	2/27/2012
2/24/2008	3/6/2010	3/17/2012
5/23/2008	4/5/2010	3/18/2012
11/4/2008	4/12/2010	3/25/2012
11/25/2008	10/6/2010	4/10/2012
11/26/2008	11/20/2010	4/11/2012
12/15/2008	12/10/2010	4/13/2012
12/17/2008	12/17/2010	4/25/2012
12/22/2008	12/18/2010	4/26/2012
12/25/2008	12/19/2010	7/25/2012
1/23/2009	12/20/2010	11/29/2012
2/5/2009	12/21/2010	11/30/2012
2/6/2009	12/22/2010	12/2/2012
2/7/2009	12/23/2010	12/3/2012
2/8/2009	12/24/2010	12/13/2012
2/9/2009	12/26/2010	12/24/2012
2/13/2009	12/27/2010	12/26/2012
2/16/2009	1/30/2011	12/29/2012
2/17/2009	2/16/2011	1/24/2013
3/4/2009	2/18/2011	
10/13/2009	2/19/2011	
10/14/2009	2/25/2011	
12/7/2009	2/26/2011	
12/11/2009	3/20/2011	
12/12/2009	3/21/2011	
12/13/2009	3/23/2011	
1/13/2010	3/25/2011	
1/14/2010	3/27/2011	
1/17/2010	5/17/2011	
1/18/2010	10/4/2011	
1/19/2010	10/5/2011	
1/20/2010	11/4/2011	
1/21/2010	11/6/2011	
1/22/2010	11/12/2011	
2/5/2010	11/20/2011	
2/6/2010	12/12/2011	
2/15/2010	1/21/2012	

Notice of Violations and Intent to File Suit

EXHIBIT B



T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
doug@lozeaudrury.com

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

March 11, 2013

Jesus Gonzalez, District Manager
Laura Keener, Environmental Protection Manager
USA Waste of CA, Inc.
4489 Ardine Street
South Gate, CA 90280

**Re: Notice of Violations and Intent to File Suit Under the Federal Water
Pollution Control Act**

Dear Mr. Gonzalez and Ms. Keener:

I am writing on behalf of California Communities Against Toxics ("CCAT") in regard to violations of the Clean Water Act ("Act") that CCAT believes are occurring at USA Waste of CA, Inc.'s ("USA Waste") facility, the South Gate Transfer Station ("Facility"), located at 4489 Ardine Street in South Gate, California. CCAT is a non-profit public benefit corporation dedicated to working with communities to advocate for environmental justice and pollution prevention. CCAT has members living in the community adjacent to the Facility and the Los Angeles River Watershed. CCAT and its members are deeply concerned with protecting the environment in and around their communities, including the Los Angeles River Watershed. This letter is being sent to you as the responsible owners, officers, or operators of the Facility (all recipients are hereinafter collectively referred to as "South Gate Transfer").

This letter addresses South Gate Transfer's unlawful discharge of pollutants from the Facility through the Los Angeles County municipal storm sewer system into the Los Angeles River. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (hereinafter "General Permit"). The WDID identification number for the Facility listed on documents submitted to the Regional Board is 419I009716. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Notice of Violations and Intent to File Suit

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA") and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, South Gate Transfer is hereby placed on formal notice by CCAT that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CCAT intends to file suit in federal court against USA Waste, Jesus Gonzalez, and Laura Keener under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the Order. These violations are described more extensively below.

I. Background.

On January 25, 1993, the State Water Resources Control Board received a copy of South Gate Transfer's Notice of Intent to Comply With the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI"). On its NOI, South Gate Transfer certified that the Facility is classified under SIC Codes 4953 ("solid waste transfer station"). The Facility collects and discharges storm water from its 87,200 square foot industrial site into two storm drain outfalls located at the Facility. The outfalls discharge into Los Angeles County's municipal storm sewer system, which flows in the Los Angeles River.

The Regional Board has identified beneficial uses of the Los Angeles River Watershed and established water quality standards for it in the "Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties", generally referred to as the Basin Plan. See http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.shtml. The beneficial uses of these waters include, among others, contact and non-contact recreation, warm freshwater habitat, wildlife habitat, wetland habitat, commercial and sport fishing, estuarine and marine habitat, and migration of aquatic organisms. The non-contact recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities." *Id.* at 2-2. Contact recreation use includes fishing and wading. *Id.* Commercial and sport fishing includes the commercial or recreational collection of fish and shellfish for human consumption. Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people's use of the Los Angeles River for contact and non-contact water recreation and commercial and sport fishing.

The Basin Plan includes a narrative toxicity standard which states that "[a]ll waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life." *Id.* at 3-16. The

Basin Plan includes a narrative oil and grease standard which states that “[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.” *Id.* at 3-11. The Basin Plan provides that “[w]aters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-16. The Basin Plan provides that “[t]he pH of bays or estuaries [or inland surface waters] shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges.” *Id.* at 3-15. The Basin Plan provides that “[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use.” *Id.* at 3-8. The Basin Plan provides that “[w]ater shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-9.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (“BAT”) and best conventional pollutant control technology (“BCT”). The following benchmarks have been established for pollutants discharged by South Gate Transfer: pH – 6.0 - 9.0 units; total suspended solids (“TSS”) – 100 mg/L, oil and grease (“O&G”) – 15 mg/L, total organic carbon (“TOC”) – 110 mg/L, and iron – 1.0 mg/L.

II. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit not Subjected to BAT/BCT

South Gate Transfer has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand (“BOD”), and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the General Permit prohibits the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the General Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the General Industrial Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that

adversely impact human health or the environment. Receiving Water Limitation C(2) of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2). As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

South Gate Transfer has discharged and continues to discharge storm water with unacceptable levels of total suspended solids, oil & grease, total organic carbon, iron, and other pollutants in violation of the General Permit. South Gate Transfer's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Industrial Storm Water Permit.

Date	Parameter	Observed Concentration	EPA Benchmark Value	Location (as identified by the Facility)
2/16/2012	Total Suspended Solids	1000 mg/L	100 mg/L	Front Area
2/16/2012	Iron	9.8 mg/L	1 mg/L	Front Area
2/15/2012	Total Suspended Solids	430 mg/L	100 mg/L	Back Area
2/15/2012	Oil & Grease	21 mg/L	15 mg/L	Back Area
2/15/2012	Iron	9.7 mg/L	1 mg/L	Back Area
12/12/2011	Total Suspended Solids	260 mg/L	100 mg/L	Front Area
12/12/2011	Iron	6 mg/L	1 mg/L	Front Area
12/12/2011	Total Suspended Solids	490 mg/L	100 mg/L	Back Area
12/12/2011	Oil & Grease	18 mg/L	15 mg/L	Back Area
12/12/2011	Iron	12 mg/L	1 mg/L	Back Area
11/4/2011	Total Suspended Solids	180 mg/L	100 mg/L	Front Area
11/4/2011	Iron	5.7 mg/L	1 mg/L	Front Area
11/4/2011	Total Suspended Solids	170 mg/L	100 mg/L	Back Area
11/4/2011	Iron	5.9 mg/L	1 mg/L	Back Area
11/26/2008	Total Suspended Solids	673 mg/L	100 mg/L	Front Area
11/26/2008	Iron	27.3 mg/L	1 mg/L	Front Area
11/26/2008	Total Suspended Solids	1160 mg/L	100 mg/L	Back Area
11/26/2008	Iron	19.1 mg/L	1 mg/L	Back Area

The information in the above table reflects data gathered from South Gate Transfer's self-monitoring during the 2008-2009, 2009-2010, 2010-2011, and 2011-2012 wet seasons. CCAT

alleges that during each of those rainy seasons and continuing through today, South Gate Transfer has discharged storm water contaminated with pollutants at levels that exceed one or more applicable EPA Benchmarks, including but not limited to each of the following:

- Total Suspended Solids – 100 mg/L
- Oil & Grease – 15 mg/L
- Iron – 1.0 mg/L

CCAT's investigation, including its review of South Gate Transfer's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards and the EPA's benchmark values indicates that South Gate Transfer has not implemented BAT and BCT at the Facility for its discharges of TSS, O&G, iron, and other pollutants, in violation of Effluent Limitation B(3) of the General Permit. South Gate Transfer was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, South Gate Transfer is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed in the table above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CCAT alleges that such violations also have occurred and will occur on other rain dates, including every significant rain event that has occurred since March 11, 2008 and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CCAT alleges that South Gate Transfer has discharged storm water containing impermissible levels of TSS, O&G, and iron in violation of Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the General Permit.¹

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Industrial Storm Water Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, South Gate Transfer is subject to penalties for violations of the General Permit and the Act since March 11, 2008.

B. Failure to Develop and Implement an Adequate Monitoring and Reporting Program

Section B of the General Permit describes the monitoring requirements for storm water and non-storm water discharges. Facilities are required to make monthly visual observations of storm water discharges (Section B(4)) and quarterly visual observations of both unauthorized and

¹ The rain dates are all the days when 0.1" or more rain fell as calculated by triangulating data measured from weather stations in Long Beach, Hollywood Hills, and Pomona.

authorized non-storm water discharges (Section B(3)). Section B(5) requires facility operators to sample and analyze at least two storm water discharges from all storm water discharge locations during each wet season. Section B(7) requires that the visual observations and samples must represent the “quality and quantity of the facility’s storm water discharges from the storm event.”

Further, the above-referenced data was obtained from the Facility’s monitoring program as reported in its Annual Reports submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by South Gate Transfer is not representative of the quality of the Facility’s various storm water discharges and that the Facility failed to monitor all qualifying storm water discharges, CCAT, alleges that the Facility’s monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit. The above violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, South Gate Transfer is subject to penalties for violations of the General Permit and the Act’s monitoring and sampling requirements since March 11, 2008.

C. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan.

Section A and Provision E(2) of the General Industrial Storm Water Permit require dischargers of storm water associated with industrial activity to develop, implement, and update an adequate storm water pollution prevention plan (“SWPPP”) no later than October 1, 1992. Section A(1) and Provision E(2) requires dischargers who submitted an NOI pursuant to the General Permit to continue following their existing SWPPP and implement any necessary revisions to their SWPPP in a timely manner, but in any case, no later than August 1, 1997.

The SWPPP must, among other requirements, identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility and identify and implement site-specific best management practices (“BMPs”) to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges (General Permit, Section A(2)). The SWPPP must include BMPs that achieve BAT and BCT (Effluent Limitation B(3)). The SWPPP must include: a description of individuals and their responsibilities for developing and implementing the SWPPP (General Permit, Section A(3)); a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity (General Permit, Section A(4)); a list of significant materials handled and stored at the site (General Permit, Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (General Permit, Section A(6)).

The SWPPP also must include an assessment of potential pollutant sources at the Facility and a description of the BMPs to be implemented at the Facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective (General Permit, Section A(7), (8)). The SWPPP must be evaluated to ensure effectiveness and must be revised where necessary (General Permit, Section A(9),(10)).

CCAT's investigation of the conditions at the Facility as well as South Gate Transfer's Annual Reports indicate that South Gate Transfer has been operating with an inadequately developed or implemented SWPPP in violation of the requirements set forth above. South Gate Transfer has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. South Gate Transfer has been in continuous violation of Section A and Provision E(2) of the General Permit every day since March 11, 2008, at the very latest, and will continue to be in violation every day that South Gate Transfer fails to prepare, implement, review, and update an effective SWPPP. South Gate Transfer is subject to penalties for violations of the Order and the Act occurring since March 11, 2008.

D. Failure to File True and Correct Annual Reports.

Section B(14) of the General Industrial Storm Water Permit requires dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. The Annual Report must be signed and certified by an appropriate corporate officer. General Permit, Sections B(14), C(9), (10). Section A(9)(d) of the General Industrial Storm Water Permit requires the discharger to include in their annual report an evaluation of their storm water controls, including certifying compliance with the General Industrial Storm Water Permit. *See also* General Permit, Sections C(9) and (10) and B(14).

For the last five years, South Gate Transfer and its agent, Jesus Gonzalez, inaccurately certified in their Annual Reports that the facility was in compliance with the General Permit. Consequently, South Gate Transfer has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Industrial Storm Water Permit every time South Gate Transfer failed to submit a complete or correct report and every time South Gate Transfer or its agents falsely purported to comply with the Act. South Gate Transfer is subject to penalties for violations of Section (C) of the General Industrial Storm Water Permit and the Act occurring since at least June 23, 2009.

III. Persons Responsible for the Violations.

CCAT puts USA Waste, Jesus Gonzalez, and Laura Keener on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CCAT puts USA Waste, Jesus Gonzalez, and Laura Keener on notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of CCAT is as follows:

Jane Williams
Executive Director
California Communities Against Toxics
P.O. Box 845
Rosamond, CA 93560
Tel. (661) 510-3412

V. Counsel.

CCAT has retained counsel to represent it in this matter. Please direct all communications to:

Michael R. Lozeau
Douglas J. Chermak
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, California 94607
Tel. (510) 836-4200
michael@lozeaudrury.com
doug@lozeaudrury.com

Gideon Kracov
Law Office of Gideon Kracov
801 S. Grand Avenue, 11th Floor
Los Angeles, CA 90017
gk@gideonlaw.net

VI. Penalties.

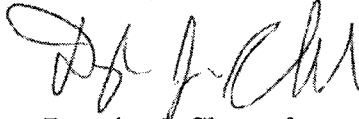
Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects South Gate Transfer to a penalty of up to \$32,500 per day per violation for all violations occurring during the period commencing five years prior to the date of this Notice of Violations and Intent to File Suit through January 12, 2009, and a maximum of \$37,500 per day per violation for all violations occurring after January 12, 2009. In addition to civil penalties, CCAT will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. § 1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CCAT believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CCAT intends to file a citizen suit under Section 505(a) of the Act against South Gate Transfer and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CCAT would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CCAT suggests that you initiate those

Gonzalez and Keener
South Gate Transfer Station
March 11, 2013
Page 9 of 12

discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. CCAT does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,

A handwritten signature in black ink, appearing to read 'Douglas J. Chermak', written in a cursive style.

Douglas J. Chermak
Lozeau Drury LLP
Attorneys for California Community Against Toxics

cc via first-class mail: CT Corporation, Agent for Service of Process for
USA Waste of California, Inc. (C1992530)
818 W Seventh Street
Los Angeles, CA 90017

Notice of Violations and Intent to File Suit

SERVICE LIST

Bob Perciasepe, Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Jared Blumenfeld, Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

ATTCHMENT A**Rain Dates, South Gate Transfer Station, South Gate, California**

5/22/2008	1/20/2010	2/25/2011
11/4/2008	1/21/2010	2/26/2011
11/25/2008	1/22/2010	3/19/2011
11/26/2008	1/26/2010	3/20/2011
12/5/2008	2/5/2010	3/21/2011
12/15/2008	2/6/2010	3/23/2011
12/17/2008	2/9/2010	3/25/2011
12/22/2008	2/19/2010	5/15/2011
12/25/2008	2/27/2010	5/17/2011
1/7/2009	3/3/2010	5/18/2011
1/9/2009	3/6/2010	10/5/2011
1/10/2009	4/5/2010	11/4/2011
1/23/2009	4/11/2010	11/6/2011
1/24/2009	4/12/2010	11/12/2011
2/5/2009	4/20/2010	11/20/2011
2/6/2009	10/6/2010	12/12/2011
2/7/2009	10/20/2010	1/21/2012
2/8/2009	10/21/2010	1/23/2012
2/9/2009	10/25/2010	2/15/2012
2/10/2009	10/30/2010	2/27/2012
2/13/2009	11/8/2010	3/17/2012
2/16/2009	11/20/2010	3/18/2012
2/17/2009	11/21/2010	3/25/2012
2/19/2009	12/5/2010	4/11/2012
2/20/2009	12/17/2010	4/13/2012
2/23/2009	12/18/2010	4/25/2012
3/4/2009	12/19/2010	4/26/2012
3/25/2009	12/20/2010	10/11/2012
10/13/2009	12/21/2010	11/8/2012
10/14/2009	12/22/2010	11/17/2012
12/7/2009	12/25/2010	11/29/2012
12/11/2009	12/26/2010	11/30/2012
12/12/2009	12/29/2010	12/2/2012
12/13/2009	1/2/2011	12/3/2012
12/30/2009	1/3/2011	12/13/2012
1/13/2010	1/30/2011	12/18/2012
1/17/2010	2/16/2011	12/24/2012
1/18/2010	2/18/2011	12/26/2012
1/19/2010	2/19/2011	12/29/2012

Notice of Violations and Intent to File Suit

ATTACHMENT A
Rain Dates, South Gate Transfer Center, South Gate, California

1/24/2013

1/25/2013

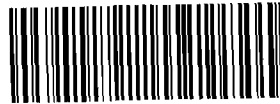
2/8/2013

2/19/2013

15-11-11

Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

CERTIFIED MAIL™



7012 2210 0002 3730 0136



X-RAYED

JUL 29 2013

DOJ MAILROOM

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

INSPECTED 13

